

REMARKS

Claims 21 and 23-42 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Examiner Interview

The undersigned thanks Examiner Jackson for the courtesies extended during the telephonic interview on August 12, 2010. During the interview, the undersigned and the Examiner discussed claim amendments to bring the application into condition for allowance. The instant rejection subsequently issued.

Claim Rejections – 35 U.S.C. § 101

Claims 36-42 stand rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. This rejection is respectfully traversed. Specifically, claim 36 has been amended per the Examiner's suggestion. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 21 and 23-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,243,692 ("Floyd") in view of U.S. Pat. Pub. No. 2006/0181965 ("Collart"). This rejection is respectfully traversed.

As discussed in Applicant's previous response, which is expressly incorporated herein by reference in its entirety, claims 21, 29 and 36, as previously presented, each patentably define over the asserted references. However, and solely in a genuine effort to advance prosecution of the instant application, and without conceding the propriety of the rejections, claims 21, 29 and 36 have been amended herein.

In relevant part, claim 21, as amended, provides "a content player that presents the course content, the course content comprising software including an application core and modules that

provide functionality for the application core; and ... identify[ing] a version of the content player that is to present the course content, and ... [providing] a module link for use by the content player, the module link providing the application core access to a subset of the modules, the subset dependent on the version of the content player.” In relevant part, claims 29 and 36, as amended, provide “a content player that presents the course content, the course content comprising software including an application core and modules that provide functionality for the application core; identifying[/identify] a version of the content player that is to present the course content; and providing [/provide] a module link for use by the content player, the module link providing the application core access to a subset of the modules, the subset dependent on the version of the content player.” Support for these amendments can be found in at least ¶¶ [0032], [0038], [0039], [0087] and [0089] of the patent application publication.

As discussed in further detail herein, Floyd and Collart, alone or in combination, fail to disclose or render obvious at least these amended features of claims 21, 29 and 36.

Floyd is directed to software distribution and provides that “a software publisher can produce a single ESD-ready version of a software title” that is distributed through multiple channels “by adding channel-specific unlocking modules” (Floyd, 1:8-9 and 50-56). In this manner, a trial (e.g., 30 day trial) of the ESD-ready version of the software can be provided (Floyd, 1:58-59). Floyd further provides that the software includes “a protection module” that allows “the program to be run only in accordance with trial parameters specified by the software publisher” (Floyd, 2:2-4). To use the software beyond the trial phase, an unlocking module may be provided (Floyd, 2:15-16). “If the unlocking DLL [module] is present, then the trial DLL invokes the unlocking DLL” (Floyd, 4:18-19). “If no unlocking DLL is present,” then after “the trial limit has been exceeded...the trial DLL will not allow execution of the software” (Floyd, 4:8-18).

Floyd, however, fails to disclose or render obvious a content player that presents course content, identifying a version of of the content player that is to present the course content, and providing a module link the provides access to a subset of modules, the subset dependent on the version of the content player. Instead, Floyd is directed to providing trial software that may or

may not have an unlocking module to run a full version of the software. Floyd provides no disclosure regarding content players or versions of content players forming the basis of a subset of modules to be accessed.

Collart is not asserted as curing, nor does Collart cure the above-discussed deficiencies of Floyd.

For at least the foregoing reasons, Floyd and Collart, alone or in combination, fail to disclose or render obvious each and every feature of claims 21, 29 and 36. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Each of claims 23-28, 30-35 and 37-72 ultimately depends from one of claims 21, 29 and 36, which are patentable over the asserted references, as discussed in detail above. Consequently, each of claims 23-28, 30-35 and 37-72 is also patentable over the asserted references for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

The undersigned attorney welcomes the opportunity to further discuss by telephone any position or issue not fully addressed by the above remarks and amendments.

Applicant requests a one month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13909-0055001.

Respectfully submitted,

Date: January 13, 2011

/Ryan McCarthy/

Ryan McCarthy
Reg. No. 50,636

Customer No. 32864
Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (877) 769-7945